THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.36777 of 1998

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the third respondent in issuing impugned proceedings No.MVS/2352 dated 9.12.1998 as illegal, arbitrary, contrary to Regulation 10(8) of Visakhapatnam Employees (CCA) Rules, 1968 and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents 1 and 2 to appoint a fresh enquiry officer.

When the petitioner requested for certain documents through her representation dated 28.11.1998, the third respondent vide impugned proceedings dated 9.12.1998 advised the petitioner to copy the same or take extracts from the Presenting Officer on any working day before attending to the enquiry on 23.12.1998. Further, she was informed that as per CCA Rules of Visakhapatnam Port Trust, she cannot take the help of a legal practitioner to defend her case, but however, she was given liberty to take the assistance of any co-employee working in Port to assist and defend her case. It is given to understand that the enquiry officer is no more and in view of the interim stay granted by this Court in W.P.M.P.No.45314 of 1998 dated 29.4.1999, the enquiry was not proceeded with.

Under those circumstances, the respondents are directed to proceed with the enquiry by appointing a fresh enquiry officer. If the said enquiry officer is a legal practitioner, the petitioner may also be permitted to engage a legal practitioner for defending her case.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 21.6.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.36777 of 1998

21.6.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.36777 of 1998

Date: 21st June, 2007

Between:

P.Surya Bhavani

.. Petitioner

And

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam & others.

.. Respondents